

**MINUTES  
BOARD OF APPEALS  
Monday, June 20, 2016  
City Hall, Room 604  
5:30 p.m.**

**MEMBERS PRESENT:** Don Carlson—Chair, Greg Babcock-Vice-Chair, and Thomas Hoy

**MEMBERS EXCUSED:** None

**OTHERS PRESENT:** Paul Neumeyer, Ald. Bill Galvin, Ald. Guy Zima, Ald. Tom De Wane, Jon LeRoy, Ben Wozniak, Dick Roshak, Humberto Castellanos, Bjorn Berg, Janet Tackmier, James Neerhof, Michael Tomaso, David Bunjovac, Alfredo Gonzalez, and Phil Jennings

D. Carlson called the meeting to order and asked if Members had gone out to the properties. He then asked if any members had spoken to anyone regarding the variance requests. All stated no. D. Carlson then asked Members if anyone needed to abstain from voting. All stated no.

**APPROVAL OF MINUTES:**

Approval of the May 16, 2016, minutes of the Board of Appeals.

A motion was made by G. Babcock and seconded by T. Hoy to approve the May 16, 2016, minutes of the Board of Appeals. Motion carried. (3-0)

**OLD BUSINESS:**

**NEW BUSINESS:**

1. Steve Bieda, Mau & Associates, on behalf of Highland Crest Baptist Church, property owners, proposes to modify and expand an existing parking lot in a Low Density Residential (R1) District at 1400 Military Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709(2), side yard setback. (Ald. J. Vander Leest, District 11)

Jon LeRoy, 400 Security Boulevard, stated the Church and the Lombardi Center share this parking lot. Both businesses need additional parking; however, there is no on-street parking available at that location.

Nobody appeared to speak against the request.

D. Carlson inquired if there were any concerns regarding traffic issues. Discussion included that the entryways into the parking lots are correctly sized and marked appropriately.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested. Motion carried. (3-0)

2. Dick Roshak, agent for the property owner, Li Chung Lin, proposes to retain an existing expanded driveway in a Low Density Residential (R1) District, located at 1685 Shawano Avenue. The applicant requests to deviate from the following requirements in Chapter 13,

Green Bay Zoning Code, Section 13-1709 (b)(1), side yard setbacks for parking areas. (Ald. J. Vander Leest, District 11)

Dick Roshak, 1685 Shawano, appeared and stated the property owner replaced a shared gravel driveway with concrete. It was discovered the concrete was accidentally poured 6 in. over onto the side yard setback. If they have to remove the 6 in. then the driveway would be extremely narrow and cars may drive off the concrete. There is a shared driveway agreement that they are looking to terminate.

P. Neumeyer stated termination of the agreement wouldn't have any impact on the zoning.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested. Motion carried. (3-0)

3. Humberto Castellanos-Vallarta, property owner, proposes to retain an existing fence in a Low Density Residential (R1) District at 1532 Harold Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521(b)(5), location of structural support members. (Ald. J. Moore, District 6)

Humberto Castellanos-Vallarta appeared with an interpreter and stated his neighbors did not have any problems with the fence he wanted to build and the backyard neighbor even helped him pay for the fence; so he doesn't understand what the problem is now.

D. Carlson stated it was his understanding that the constructed side, or good side, of the fence faces the backyard neighbor when according to the ordinance it should face the fence owner's property.

H. Castellanos-Vallarta stated the neighbor hasn't complained and inquired why he had to be here tonight.

Nobody appeared to speak against the proposal.

It was discussed that the constructed side cannot be seen from the street.

A motion was made by G. Babcock and seconded by T. Hoy to grant the variance as requested. Motion carried. (3-0)

4. Bjorn Berg, Kwik Trip, on behalf of Tom Matuszak and Mike Sullivan, property owners, proposes to retain two, realigned two-way drives within a Downtown One (D1) District at 515 West Walnut Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1706(e)(1), drive spacing. (Ald. G. Zima, District 9)

Bjorn Berg, 515 W. Walnut Street, appeared and requested to retain the two driveways on S. Maple at the current Shell Station. Their offer to purchase has been accepted, and if they do not have the second driveway it will create a hardship when deliveries are made to the store. The existing site plans shows two driveways on S. Maple that they want to improve by separating them, widening them, and adding more green space. Without purchasing more homes, they cannot meet the required 200 ft. separation; and without the second driveway they cannot do business. They do plan to close the west driveway off Walnut Street.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested. Motion carried. (3-0)

5. Janet Tackmier, property owner, proposes to construct 20 ft. x 24 ft. detached garage located in a Low Density Residential (R1) District at 633 Porlier Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, front and side yard setback. (Ald. B. Galvin, District 4)

Janet and Mason Tackmier appeared and stated they have a small yard and are requesting a one foot variance instead of the four foot requirement for the garage. There is an existing slab of concrete from a previous garage next to a shared driveway.

Janet Bonkowski appeared and stated at one time 633 Porlier did have a garage on the property and owned the open lot next door. J. Bonkowski stated she now owns the driveway as well as the open lot and is here to oppose the request because they do not want the garage encroaching onto their property, which could potentially bring down their property value when they do sell. There are other options available including installing a driveway access from Porlier Street or moving the garage closer to the home to avoid the setback.

Ald. B. Galvin stated he understands both sides of the situation and suggested postponing this item in case a compromise can be met.

J. Tackmier stated they did consider installing a driveway from Porlier; however, the grading would be really high which would eliminate most of the green space in the back. J. Bonkowski stated they are not willing to sell only a portion of the empty lot.

P. Neumeyer stated there is a corner exemption for detached garages, and said the City doesn't have a concern with this request.

A motion was made by T. Hoy and seconded by G. Babcock to deny the 1ft. side yard variance; and to approve the impervious surface reduction and corner-side yard setback to not less than 15 ft. variance as requested. Motion carried. (3-0)

6. Todd Griebeler, on behalf of James Neerhof, Donna Patske, and property owners, proposes to pave an area that affects three different parcels located in a Low Density Residential (R1) District at 907 3<sup>rd</sup> Street, 800 11<sup>th</sup> Avenue, and 806 11<sup>th</sup> Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setback for paving, Section 13-615, Table 6-4, front and corner side yard setback, and Section 13-609, Impervious coverage. (Ald. G. Zima, District 9)

Ald. G. Zima appeared and stated approving the variances will improve the appearance of these properties and solve a rat problem in that area.

James Neerhof, 907 Third Street, appeared and stated his neighbor, T Griebeler, plans to pour a concrete driveway. J. Neerhof stated he wants to replace his pea gravel driveway with concrete and to connect a small portion of land between the two properties with concrete. D. Patske stated she would also like her property, up to the end of her driveway, connected to T. Griebeler's with concrete. There is little to no greenspace between the properties due to rats burrowing there.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variances as requested. Motion carried. (3-0)

7. Michael Tomaso, property owner, proposes to widen an existing driveway located in a Low Density Residential (R1) District at 3236 Windland Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setback for paving. (Ald. T. De Wane, District 2)

Michael and Ashley Tomaso, appeared and stated he would like to expand the driveway 12 ft. from his house to the right-of-way for more parking. A letter of support was distributed from his neighbor.

Ald. Tom De Wane appeared and stated he supports this request.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried. (3-0)

8. David J. Bunjovec, on behalf of Patrick J. Bunjovec, property owner, proposes to widen an existing driveway located in a Low Density Residential (R1) District at 2386 West Point Road. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709(a), front yard setback and 13-1709(b)(1) side yard setback for paving. (Ald. J. Vander Leest, District 11)

David Bunjovec appeared and stated this address is located at a T-intersection with a stop sign near the front yard which makes it very difficult to back out into the street. He would like the driveway wide enough in order for a vehicle to turn around in it so it doesn't need to back out into the street.

T. Hoy stated they wouldn't be able to park in the widened area because it is near the front door of the house which would create a safety issues.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested, with the turn-around area not included as a parking spot. Motion carried. (3-0)

9. Alfredo Gonzalez Contreras, property owner, proposes to widen an existing driveway located in a Low Density Residential (R1) District at 853 Spence Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709(b)(1), side yard setbacks for paving. (Ald. C. Wery, District 8)

Alfredo Contreras appeared with his wife who stated they have three children and don't have enough room to park all of their vehicles and would like the driveway expanded to the public right-of-way.

P. Neumeyer stated he had concerns with car doors opening out onto the sidewalk and doesn't believe the 8 ft. they are requesting isn't really sufficient room to park a vehicle.

Discussion included whether the side of the garage would be a viable parking space, granting only half of the requested space up to the garage, and if it would be hazardous to pedestrians if granted. Mr. Contreras was informed he wouldn't need a variance if he widened the driveway up to the garage; however, he would still need a permit.

A motion was made by G. Babcock and seconded by T. Hoy to deny the variance as requested. Motion carried. (3-0)

10. Phil Jennings, Creative Signs Co., on behalf of Green Bay Area Public School District, property owner, proposes to expand an existing wall sign located in a Public Institutional (PI) District at 1601 Dancing Dunes Drive. The applicant requests to deviate from the following requirement in Chapter 13-2015(b) size of sign attached to a building. (Ald. T. Sladek, District 12)

Phil Jennings appeared and stated that the Green Bay Area School District is starting to specialize their schools and would like to identify them with signage. The expanded signage at this address will be flat cut non-illuminated aluminum letters.

A motion was made by T. Hoy and seconded by G. Babcock to approve the variance as requested. Motion carried. (3-0)

A motion was made by G. Babcock and seconded by T. Hoy to adjourn the meeting at 6:59 p.m. Motion carried. (3-0)

Meeting adjourned.